

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- October 18, 1972

Application No. 11152 Isaac L. Johnson, Appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, Appellee

On motion duly made, seconded and carried with Mr. Mackey and Mr. Scrivener absent, the following Order of the Board was entered at the meeting of November 1, 1972.

EFFECTIVE DATE OF ORDER - January 5, 1973

ORDERED:

That the application for permission to change a non-conforming use from a sign shop to a retail variety store on the first floor at 1329 Constitution Avenue, N.E., be GRANTED.

FINDINGS OF FACT:

1. Subject property is located in an R-4 Zone, which is defined by the Zoning Regulations as an area of row dwellings and conversions.
2. The present authorized use of this building is for a sign shop. It is a commercial structure, two stories with a rear yard garage.
3. It is the applicant's intent to convert the shop into a retail variety store. The store will sell records and ice cream packaged cookies and other incidental items.
4. It is the applicant's intent to employ three full time employees, and three part-time employees.
5. Applicant seeks permission to change a non-conforming use pursuant to Section 7104.2 of the D.C. Zoning Regulations, which is permissible by the Board upon a finding that the new use will not adversely affect the present or future character of the neighborhood.

6. The Capitol Hill Restoration Society submitted a letter in support of applicant's proposal, and a nearby Church appeared at the public hearing for clarification of applicant's intentions.

OPINION:

Subject property is located at 1329 Constitution Avenue, N.E., and is owned by the applicant, Isaac L. Johnson. The building is a two-story brick commercial structure which has been, in the past, operated as a sign shop.

The applicant herein seeks permission from this Board to change the non-conforming use pursuant to Section 7104.2 of the Zoning Regulations. The Board is authorized to grant said change upon a showing by the applicant that the proposed use will not adversely affect the present or future character of the neighborhood.

Applicant proposes to operate a retail variety shop, employing the first floor. The second story will serve as the applicant's residence. Further, applicant notes that he will sell records, and a small line of goods such as ice cream and packaged cookies. Applicant intends to employ three part-time, and perhaps three full time employees.

The Board is pleased that the Capitol Hill Restoration Society submitted a favorable letter in support of this application. Any additional opposition is noticeably lacking, except for the appearance of a neighbor of applicant who operates a church. The neighbor sought a clarification of applicant's intentions only.

This Order is hereby GRANTED CONDITIONALLY upon the following list of particulars.

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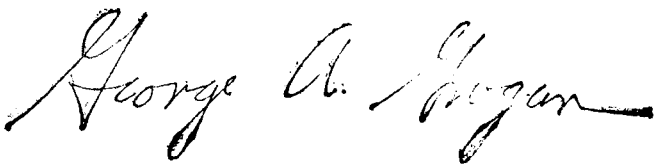
1. No outside music
2. Not to operate on Sundays
3. No prepared food is to be sold on premises
4. Shop limited to operation Monday through Saturday
5. Time of operating hours, 9:00 a.m. to 11:00 p.m.

We are of the opinion that the appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY THE ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.